

David Abrams, Attorney at Law  
305 Broadway Suite 601  
New York, New York 10007  
Tel. 212-897-5821 Fax 212-897-5811

United States District Court  
Southern District of New York

## **COMPLAINT**

Plaintiff, complaining of the Defendant by her attorney, David Abrams, Attorney at Law, respectfully sets forth and alleges as follows:

## I. Introduction

1. This is an action for violation of the Fair Labor Standards Act and the New York Labor Law.

## II. Parties

2. Plaintiff Miluska Mendoza ("Plaintiff" or "Ms. Mendoza") is a natural person residing in the State of New York, County of Bronx.

3. Defendant Cornell University a/k/a Weill Cornell Medical College (the "Employer") is an entity located in the State of New York which operates a hospital in New York County.

### **III. Venue & Jurisdiction**

4. Venue in the Southern District of New York is appropriate pursuant to 28 U.S.C. Section 1391(b)(1) in that the Employer maintains a continuous and systematic presence in the Southern District. Further, this matter arises from the Employer's activities in the Southern District, specifically the employment of the Plaintiff.

5. Subject matter jurisdiction over this action exists pursuant to 28 U.S.C. Sections 1331 and 1337 in that a claim is made that arises under the laws of the United States, specifically the Fair Labor Standards Act.

6. Personal jurisdiction exists over the Defendant in that it is headquartered in the State of New York.

### **IV. Background**

7. The Employer operates a hospital in Manhattan.

8. Plaintiff was employed by the Employer as a housekeeper for approximately 13 years until her separation from employment in or about April of 2019.

9. Plaintiff was paid an hourly rate for her services.

10. Plaintiff regularly worked extra hours for which she was not compensated. For example, during the week of July 11, 2018, was paid for 43 hours but in reality worked approximately 5 hours more than that since she generally worked through lunch every day.

11. The Employer knew or should have known that Plaintiff was working extra hours because work was performed on the Employer's premises and was visible to management.

**V. Causes of Action**

**Count I: Violation of the Fair Labor Standards Act**

12. The allegations contained in the preceding paragraphs are incorporated as if restated herein.
13. The Employer is covered by the Fair Labor Standards Act in that at all times relevant to this Complaint it operated a hospital.
14. The Employer violated the Fair Labor Standards Act by failing to pay proper overtime pay to Plaintiff.

**Count III: Violation of New York Labor Law**

15. The allegations contained in the preceding paragraphs are incorporated as if restated herein.
16. New York Labor Law applies to Ms. Mendoza's employment since she was employed by the Employer within the State of New York.
17. The Employer violated New York Labor Law by failing to pay Ms. Mendoza proper overtime premiums; failing to pay gap time; and failing to give proper notice under the Wage Theft Prevention Act.

**[continued on next page]**

**VI. Demand for Relief**

WHEREFORE Plaintiff demands judgment against the Employer for lost wages and benefits, liquidated damages, compensatory damages and punitive damages together with appropriate interest, attorneys fees, costs, and such further relief as the Court deems just, in a total amount not to exceed \$150,000.

Respectfully submitted,

*Dave P. Abrams*

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David Abrams  
Attorney for Plaintiff

305 Broadway Suite 601  
New York, NY 10007  
Tel. 212-897-5821  
Fax 212-897-5811

Dated:           New York, NY  
                  March 9, 2020